

REMARKS

Claims 12-20, 23-25, and 28-29 were finally rejected under Section 102 or Section 103 in the Office Action mailed December 26, 2007. In the Final Office Action, the Examiner persuasively identified text at page 6, lines 11-25 of WO/55740 (Rangarajan) to support the rejection of independent claims 12 and 18 under Section 102 and rejection of claim 25 under Section 103 based on Rangarajan in view of the Gnutella Protocol Specification v0.4.

In response to the Examiner's position, dependent claims 14 and 28 are canceled and the independent claims are amended to incorporate the canceled or similar subject matter. In view of the amendments, Claims 12, 13-19, 23-25, and 29 are now in the application. Reconsideration is requested in view of the remarks which follow.

It is urged that this amendment should be entered because it does not introduce any new issues or require a further search, because the subject matter has already been examined. It is also urged that the amendment places the application in condition for allowance for reasons now presented.

Example embodiments of the invention as now claimed differ markedly over the prior art because the independent claims now apply to packet switching networks having a plurality of communication components providing identical services and wherein the multiple components can interchange and compare information about, for example, software release dates, and when releases differ among components, any one of several components may make an update or an updated version available to another component having an older release date.

In contrast to the above, the Rangarajan reference differs in that it discloses a single file server for making upgrade software available. To clearly present this distinction, the subject matter of claim 14 (now canceled) has been incorporated in independent claim 12; similar subject matter to that present in claim 14 (and formerly examined as the subject matter of canceled claim 21) has been incorporated into claim 18; and subject matter of claim 28 (now canceled) has been incorporated in independent claim 25.

In the prior office actions the Examiner had concluded that the subject matter of now canceled dependent claims 14, 21 and 28 was disclosed in the Rangarajan reference. For example, page 7 of the Final Office Action cites page 3, lines 1-5 of the Rangarajan reference for disclosing the subject matter wherein "a more up-to-date release is sent from a third

communication component to a component with an earlier release More than one component can have the updated files ..." Applicant respectfully disagrees with the Examiner's conclusion. First, the subject matter is not disclosed in the cited passage and second, it would not be obvious to modify the Rangarajan reference to incorporate such subject matter.

The contention that the cited passage is devoid of the requisite disclosure must prevail because there is no suggestion in the reference for a third component performing the same task as the disclosed file server. In view of this deficiency, and the amendment of each independent claim to incorporate this novel and non-obvious feature, it is submitted that the claims are allowable.

It is respectfully submitted that, with the above amendments, none of the prior art, alone or together can meet the terms set forth in the claims. Accordingly, the foregoing rejections are moot and all of the claims rejected under Section 102 and under Section 103 should now be allowed. If the Examiner believes otherwise, the Examiner is requested to provide express citation to any art which might form a basis for meeting the terms of the claimed combinations. Applicant submits that, with the requirement for a third communication component (or servant) there is no basis to apply the Rangarajan reference. This is because there is simply no combination which results in all of the claimed teachings.

Conclusion

In view of the above amendments and argument, allowance of the application is requested. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 ©, 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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